IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
SECOND APPEAL NO.649 OF 2003.

Narayan K. Koli
& Another ..Appellants

Versus

Raghunath K. Madvi
& others ..Respondents

Mr.P.S.Dani for the appellants

CORAM: S.R.SATHE, J.
DATE : 23rd June, 2005

P.C.

1. Heard learned Advocate for the Appellant. The suit for injunction was dismissed by the Lower Court and that order was confirmed by the Appellate Court. From the perusal of the record and in particular the judgment, it appears that the courts below have held that the plaintiff has failed to prove the alleged nuisance. It is true that the defence of the defendants was struck down as a result of non compliance of certain directions. However, that by itself will not be sufficient to hold that the plaintiff has proved the suit claim. So, the courts below rightly considered the evidence adduced by the Plaintiff.

2. There is nothing to show that the finding of fact recorded by the courts below is perverse. No substantial question of law is involved. Hence the appeal is dismissed in limini.

(S.R.SATHE, J.)